

EXHIBIT 1

Klenov, Michael

From: Klenov, Michael
Sent: Friday, April 24, 2015 2:04 PM
To: 'Crowell, Nicholas P.'
Cc: Prokupets, Maya; Berezney, Steve
Subject: RE: Whittemore [KT-IWKT01.FID131696]

Nick,

We've considered your requests that we agree to (1) limit the duration of Mr. Whittemore's deposition to less than seven hours and (2) limit or disclose the topics that we intend to cover at the deposition ahead of time. We can't agree to either request.

As I noted on our call, the one-day, seven-hour-per-witness limit under the Master Discovery Protocol ("MDP") governing NCUA's coordinated actions already represents a major limitation on the duration and scope of depositions. NCUA's cases against RBS span three jurisdictions, involve dozens of securities, and seek billions in damages. But for the coordination of these cases under the MDP, Mr. Whittemore would potentially face three or more days of questioning. While we'll certainly do our best to be as efficient as possible, covering all of the securities at issue in seven hours will already be a challenge.

We likewise can't agree to limit the scope of our questioning or to reveal the topics we intend to cover ahead of time. First, while the MDP states that the parties "shall endeavor" (i.e., try) not to be repetitive, it does not prohibit the parties from asking questions concerning the same subject matters or securities that were addressed in previous depositions. In order for our deposition questioning to be comprehensible, we may need to re-establish some background facts and lay an appropriate foundation for certain questions and exhibits. We believe that we have the right to develop the testimony that will be shown at our trials in a way that best serves our client's cases, rather than be forced to rely exclusively on the work of other attorneys on behalf of other clients. Second, nothing in the MDP or the Federal Rules requires us to disclose the topics we intend to cover ahead of time. Finally, we don't see how having to respond to certain deposition questions, as opposed to others, imposes any additional burden on your client.

If the date or location we've proposed in our subpoena doesn't work for Mr. Whittemore, then please propose ones that work as soon as possible; we're currently trying to schedule more than 50 depositions to take place in May and June.

Thanks very much.

Michael

Michael Klenov
Korein Tillery, LLC
505 North 7th Street, Suite 3600
St. Louis, MO 63101
Office: 314-241-4844
Direct: 314-450-4098

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From: Crowell, Nicholas P. [mailto:ncrowell@sidley.com]
Sent: Monday, April 20, 2015 11:10 AM
To: Klenov, Michael
Cc: Prokupets, Maya; Berezney, Steve
Subject: RE: Whittemore [KT-IWKT01.FID131696]

Thanks, Michael. Let's talk at 4:30 EDT today. I will send a calendar with a dial in.

NICHOLAS P. CROWELL
Sidley Austin LLP
+1.212.839.5449
ncrowell@sidley.com

From: Klenov, Michael [mailto:mklenov@KoreinTillery.com]
Sent: Monday, April 20, 2015 12:06 PM
To: Crowell, Nicholas P.
Cc: Prokupets, Maya; Berezney, Steve
Subject: RE: Whittemore [KT-IWKT01.FID131696]

Hi Nick,

I'm pretty flexible today and tomorrow, other than from 2-3 pm Central today. Let me know what time works best for you and Maya.

Thanks,

Michael

Michael Klenov
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From: Crowell, Nicholas P. [mailto:ncrowell@sidley.com]
Sent: Monday, April 20, 2015 10:12 AM

To: Klenov, Michael
Cc: Prokupets, Maya; Crowell, Nicholas P.
Subject: FW: Whittemore [KT-IWKT01.FID131696]

Michael,

My colleague, Maya Prokupets, and I are assisting Susan Merrill in connection with this matter. Do you have time for a meet and confer call this week with respect to the subpoena? Please let me know when you are available and I will send around a calendar invite. I think we will need a half hour at most.

Best regards,

Nick

NICHOLAS P. CROWELL
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ncrowell@sidley.com

From: Klenov, Michael [<mailto:mklenov@KoreinTillery.com>]
Sent: Wednesday, April 15, 2015 10:30 AM
To: Merrill, Susan
Subject: RE: Whittemore [KT-IWKT01.FID131696]

The subpoena is attached.

Michael Klenov
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From: Merrill, Susan [<mailto:smerrill@sidley.com>]
Sent: Tuesday, April 14, 2015 10:06 PM
To: Klenov, Michael
Subject: RE: Whittemore [KT-IWKT01.FID131696]

Yes, please serve the subpoena.

SUSAN MERRILL
Partner

Sidley Austin LLP
+1.212.839.8558
smerrill@sidley.com

From: Klenov, Michael [<mailto:mklenov@KoreinTillery.com>]
Sent: Thursday, April 09, 2015 4:31 PM
To: Merrill, Susan
Subject: RE: Whittemore [KT-IWKT01.FID131696]

We were waiting to get a date so that we could use it in the subpoena, rather than picking an arbitrary date and then having to serve an amended subpoena. We're happy to handle it that way though, if you prefer.

Michael Klenov
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From: Merrill, Susan [<mailto:smerrill@sidley.com>]
Sent: Thursday, April 09, 2015 3:28 PM
To: Klenov, Michael
Subject: Whittemore

I have not received the subpoena. Please send it to me.

SUSAN MERRILL
Partner

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